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August 30, 2021

VIA ECF

The Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo,*
Case No. 16-cv-4480 (JMF)

Dear Judge Furman:

We represent the Export Import Bank of the Republic of China (“Ex-Im Bank”), judgment creditor in this matter.

On October 29, 2020, this Court issued its opinion and order granting Ex-Im Bank’s motion for sanctions (ECF No. 64; the “Order”). In the Order, the Court directed Ex-Im Bank to file a status letter with this Court every two months describing what sanctions had accrued, providing information on any contact or communications with the Democratic Republic of the Congo (“the DRC”) regarding the dispute, and stating whether Ex-Im Bank believed that the sanctions ordered should be revisited or modified.

This letter is the status letter required for August 30, 2021. The next status letter will be submitted on Friday, October 29, 2021.

As the Court will recall, the DRC has been represented in this matter by Benita Kindongo, Esq., a lawyer in Paris (although the DRC has never appeared in the action). For the time being, we will continue to copy her on our submissions to the Court. However, when we submitted the prior status letter to this Court on June 28, 2021, we forwarded the letter to her, and had a brief response indicating that she would be speaking with her clients about it. We have not heard from her since then.

We have now initiated discovery intended to uncover DRC assets in the United States that are used for commercial purposes. We will continue to encourage a zoom meeting with the new officials of the DRC government, through Ms. Kindongo and other channels, but we will also go forward with the discovery efforts. We have had success in collection efforts with other sovereign debtors, and are hopeful that we can achieve results here as well.

Although we have contemplated the possibility of a motion for enhanced sanctions, we have decided to stay our hand on that issue until at least the next status letter to the Court.

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As of our June 28, 2021 letter, sanctions stood at \$1,665,652 and were cumulating at their maximum rate of \$11,428 per day. Sixty two days have passed, for an additional \$719,964 in sanctions. Thus, as of today, sanctions total \$2,385,616.

At this time, Ex-Im Bank seeks no change to the terms of the Order.

We shall report once again on October 29, 2021, or sooner, if there are developments of any significance.

As always, of course, we stand ready to provide any further information that the court may desire.

Respectfully submitted,



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cc: Benita Kindongo, Esq.